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09/893,437	06/29/2001	Li Zhang	BS00-285	5279

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WITHERS & KEYS LLC  
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EXAMINER

TRUONG, LECHI

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/893,437

Applicant(s)

LI ZHANG, ALPHARETTA

Examiner

LeChi Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 and 22-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claim 1-20, 22-35 are presented for the examination. Claim 21 is cancelled.

#### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 11-16 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luzeski et al (US. Patent 6, 430,177 B1) in view of Lim et al (US. Patent 6,574,599 b1).
3. As to claim 1, Luzeski teaches the invention substantially as claimed including: an application server (web server 14 which is sometimes referred to herein as a “ larger object server” and which is preferably a software component running on the messaging platform/ mainframe 10, col 5, ln 15-25/ Fig. 1), a plurality of applications (the remote clients, col 4, ln 20-22/ web servers 12-3, col 8, ln 13-15/ PC- based clients(col 2, ln 10-14), each of the applications providing a service with one of more services being voiced call and one or more services being non-voice-oriented processing, col 2, ln 11-15/ col 12, ln 7-10/ col 14, ln 16-19), plurality of application programming interfaces ( basic set of calls, col 5, ln 39-41/ calls to procedural CMC calls and UM service library calls , col 7, ln 60-3/ CMC functions calls, col 11, ln 10-14), service management logic(session

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manager 10-5, col 5, ln 30-36/ Fig. 1), creating service session by providing instruction to establish communication( col 4, ln 21-25), a service session( multimedia content, col 4, ln 23-24/ session record, col 6, ln 18-21/session, col 7, ln 35-38), establish communications depend at least upon whether the requested service requires a voice call processing palliation( col 6, ln 18-21/col 7, ln 34-38/col 12, ln 10-15) .

4. Luzeski does not explicit teach the term “a converged service creation environment”, voice as voice-oriented. However, Lim teaches service creation environment (convergence of data network and telephone/ telephone networks converge, col 10, ln 9-10/ ln 14-15), voice-oriented (voice-oriented, col 2, ln 13-15).

5. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Luzeski and Lim because Lim’s converged service creation and voice-oriented would provide improved techniques for permitting a user to employ voice-based command to access the various data-centric and telephone centric communication services.

6. As to **claim 2**, Luzeski teaches plurality APIs (basic set of calls, col 5, ln 39-41/ calls to procedural CMC calls and UM service library calls , col 7, ln 60-3/ CMC functions calls, col 11, ln 10-14), Broadband/ narrowband (col 1, ln 40-44).

7. As to **claim 3**, Luzeski teaches network application (network, col 1, ln 55-57).

8. As to **claim 4**, Luzeski teaches communicate with the service session management logic to create the service session communication based at least in part on the service request (col 6, ln 18-20/ col 7, ln 35-39).

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9. As to claim 5, Luzeski teaches a service applet (java applets, col 5, ln 45-55/ col 6, ln 1-5).

10. As to claim 6, Luzeski teaches service session instruction (code and password, col 6, ln 65-67/col 10, ln 24-33), the service session management logic (session manager 10-5, col 7, ln 30-38), the service request (a user first request, col 7, ln 30-38).

11. As to claim 11, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Luzeski teaches a data network (firewall/ proxy gateway router 18, col 5, ln 62-67/ Fig.1), a customer data device (a remote PC-base client 20, col 5, ln 20-25), a service applet (Java applets, Fig. 1), an application server (web server 14 which is sometimes referred to herein as a “ larger object server” and which is preferably a software component running on the messaging platform/ mainframe 10, col 5, ln 15-25/ Fig. 1), an application (server platform 12/ applet server, col 5, ln 45-50/ Fig. 1), one or more application programming interface( CMC API 10-4, col 5, ln 30-40/ Fig. 1), service management logic( session manager 10-5, col 5, ln 30-36/ Fig. 1).

12. As to claim 12, Luzeski teaches the plurality o service servers (col 1, ln 35-43/ col 2, ln 5-22).

13. As to claims 13-16, they are apparatus claims of claims 2, 3, 4, 6; therefore, they are rejected for the same reasons as claims 2, 3, 4, 6 above.

14. As to claim 36, it is an apparatus claim of claim 2 ; therefore, it is rejected for the same reason as claim 2 above.

15. As to claim 37, Lim teaches wireless( col 2, ln 10-12).

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16. Claims 7-10, 17-19, 20, 22-35, 38, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luzeski et al (US. Patent 6, 430,177 B1) in view Lim et al ( US. Patent 6,574,599 B1) as applied to claim 1 above, and further in view of Qui et al (US. Patent 6,684,251 B1).

17. As to claim 7, Luzeski and Lim do not explicit softswitch. However, Qui teaches the softswitch (the switch fabric, col 4, ln 30-35).

18. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Luzeski, Lim and Qui because Qui's switch would provides a communication network that concurrently sets-up connection to reduce setup time.

19. As to claim 8, Qui teaches the service session management logic sends a communications session instruction to the soft switch (col 4, ln 7-35), the communication session instruction based at least in part on the service session instruction (col 4, ln 1-7).

20. As to claim 9, Qui teaches a first/ second communication setup (end to end connection requirement, col 4, ln 1-7), the communication session instruction based at least in part on the service session instruction (col 4, ln 1-7), service server/ a customer data device (user system 141, 142, Fig. 1).

21. As to claim 10, Qui teaches the service session management (service session management, Fig. 2), a first/ second communication setup (end to end connection requirement, col 4, ln 1-7), the communication session instruction based at least in part

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on the service session instruction (col 4, ln 1-7), service server/ a customer data device (user system 141, 142, Fig. 1).

22. As to claim 17, it is an apparatus claim of claim 10; therefore, it is rejected for the same reason as claim 10 above.

23. As to claim 18, it is an apparatus claim of claim 11; therefore they are rejected for the same reason as claim 11 above. In additional, Luzeski teaches a service request (request, col 7, ln 25-30), generating a service instruction (establish and maintain session, col 7, ln 25-30), receiving at the customer data device an event notification sent from the one of the open application programming interface, the event notification corresponding to the service session instruction (col 19, ln 63-67), sending an event confirmation from the customer data device to the one of the plurality of application programming interfaces( col 20, ln 4-6 and ln 10-18). Luzeski and Lim do not explicit teach the service session instruction corresponding to one or more communication session. However, Qui teaches the service session instruction corresponding to one or more communication session (end to end connection requirements based on the service requirement from the service session manager, col 4, ln 1-6).

24. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Luzeski, Lim and Qui because Qui's end to end connection requirements based on the service requirement from the service session manager would allow the service layer to inter-operate more efficiently with the network layer.

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25. As to claim 19, Luzeski teaches sending an applet to the customer data device (col 20, ln 3-32).

26. As to claims 20, 22-24, they are apparatus claims of claims 2, 8, 9, 10; therefore, they are rejected for the same reasons as claims 2, 8, 9, 10.

27. As to claims 25-35, 38, 39, they are apparatus claims of claims 18, 20-24, 2, 37; therefore, they are rejected for the same reasons as claims 18, 20-24, 2, 37.

#### **Response to Argument**

28. Applicant's arguments filed 09/20/2004 have been considered but are moot in view of the new ground(s) of rejection. Applicant amended the claims. Luzeski and Lim's references meet the amended claims.

29. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



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### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

January 21, 2005

  
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